

From: Jon Fether
To: Microsoft ATR
Date: 1/23/02 8:32am
Subject: Microsoft Settlement Objection

Dear Antitrust Department,

It has come to my attention that pursuant to the Tunney Act, there is a period of public input into the settlement Microsoft has proposed. I am writing to state that I believe this settlement has multiple failings of justice.

My first objection is the fact that Microsoft is effectively being handed the right to print the currency this settlement would be paid with. Microsoft would be handing out licenses to use copies of its products for the bulk of the settlement. It will no doubt count the licenses against the settlement at full retail sales price of their software. This is akin to me jotting down "\$800" on a cocktail napkin, handing it to the judge and saying I've paid my debt to society. Microsoft must bear some burden from the settlement, permitting them to "give their software to schools" only burdens them for a trivial cost of media and printing. I believe a cash settlement would be more appropriate in this regard, as it is a true penalty, however I believe strongly that injunctive relief is the only means appropriate to resolve this case.

The second objection to this settlement is the fact that Microsoft furthers market dominance through this settlement, in fact, through to further generations of Americans. This smacks in the face of the reason this lawsuit was filed. It's like the tobacco industry promising cigarettes to children in schools to make up for secondhand smoke deaths. (I admit, Microsoft has not killed anyone to my knowledge, however I've become frustrated with their products nonetheless. It's almost as bad.) I must object to this marketing ploy.

The settlement also fails to address the problems of Microsoft's customer base at large. I believe a fair settlement should include refunds for the Internet Explorer portion of Windows that many Americans were forced to buy. Microsoft's claim that Explorer is integral to the operating system is a lie; if it were they would not offer Macintosh or Unix versions of this product. Microsoft should also be forced to pay the competitors who were denied these customers by Microsoft's actions.

Finally, Microsoft must be barred from further anticompetitive actions in the future. They must be compelled to provide an Internet Explorer removal option in Windows. They should be barred from including Internet Explorer as a part of the operating system unless it is to be installed separately. Microsoft should be forced to reduce the price of the monopoly Windows operating system to reflect the amount of money paid

for Internet Explorer - OR they should be forced to offer one version with and one version without the browser at different prices if they so desire. They should also be barred from using Office as their distribution mechanism as Microsoft has made great effort to prevent competitors from making compatible products - another antitrust issue entirely. To prevent the "Those restrictions were 95, we now make XP" shell game Microsoft has played, the restrictions must apply to every flagship Windows operating system made herein. Of course, there should be a "sunset period" on these restrictions for the time when the market has recovered from the anticompetitive activities.

In closing, I would like to state that this settlement is of great importance to America and the world at large. I urge care in the consideration of this matter. Thank you.

Respectfully Submitted,
Jonathan Fether
Temecula, CA